

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARY J. WASHINGTON,

Defendant-Appellant.

UNPUBLISHED

January 24, 2003

No. 235915

Wayne Circuit Court

LC No. 00-013112-01

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Defendant appeals as of right her bench trial conviction for assault with intent to commit robbery while armed, MCL 750.89. We affirm with modification. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the trial court erred in calculating the sentence credit due under MCL 769.11b. Defendant was jailed from October 28, 2000 to May 21, 2001. In sentencing, the trial court awarded 175 days credit for time served, in accord with the presentence report.

Defendant asserts that the calculation is erroneous, and the prosecutor concedes that the proper amount of credit is 206 days. Where the parties agree as to the amount of sentence credit that a defendant should have received, this Court may amend the judgment of sentence to reflect the proper credit. *Brinson v Genesee Circuit Judge*, 403 Mich 676, 687; 272 NW2d 513 (1978); MCR 7.216(A)(1). The judgment of sentence is modified to credit defendant with 206 days served prior to sentencing.

Affirmed as modified.

/s/ Jessica R. Cooper

/s/ Richard A. Bandstra

/s/ Michael J. Talbot